



ICLR ONLINE. USER GUIDE.

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ICLR ONLINE.

USER GUIDE.

GETTING STARTED

Minimum System Requirements

- Windows XP or later
- Mac OS X or later

ICLR Online will work on most internet browsers, but for the optimum experience, it is recommended that you use the service on the following internet browsers:

- Internet Explorer 10 or later
- Google Chrome
- Mozilla Firefox 15 or later
- Safari 5 or later
- JavaScript enabled, Cookies and frames enabled in the browser

ICLR Online also works on most popular mobile and tablet devices, including Apple iPad and Android-based tablets.

Logging on to ICLR Online

Open the main ICLR home page at www.iclr.co.uk

- Click on the grey **Register | Login** button or the red **Go to ICLR Online** button, both of which are located on the top right-hand corner of the screen.
- Enter your Username and Password into the **Existing Users Login** form (pictured) and then click on the red **Login** button.
- When the **Account Overview** page appears, click on the red **Go to ICLR Online** button.
- The ICLR Online **Welcome Page** will appear.

The image shows two screenshots of the ICLR Online website. On the left, the 'Existing Users Login' form is displayed. It has fields for 'Username' (daniel.hoadley@iclr.co.uk) and 'Password' (represented by five dots). Below the password field is a blue rectangular input box. At the bottom are two buttons: a red 'Login' button and a red 'Forgotten Password?' link. On the right, the 'My Account' sidebar is shown with links for 'My Homepage', 'Change Details', 'Change Login/Password', 'View Orders', and 'Logout'. Above the sidebar, the 'Home / My Account' navigation is visible. Below the sidebar, the 'Account Overview' page is shown with a welcome message 'Welcome Daniel Hoadley.' and two buttons: a red 'Go to ICLR Online' button and a dark grey 'Go to My Account' button.

Note: Users accessing their accounts via IP-authentication will not be prompted to enter a Username or Password.

Session Inactivity and Security

For security reasons, your research session will automatically sign itself out after a period of 20 minutes of inactivity.

[Home](#) / [My Account](#)

Existing Users Login

Username

Password

New User Registration

You have been timed out of ICLR Online. Please logon again.

Logging out of ICLR Online

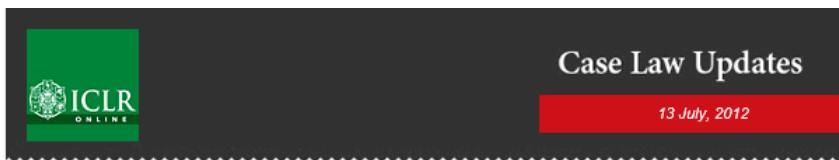
When you finish a research session on ICLR Online, it is recommended that you log out of your account before closing your Internet browser. To log out of ICLR Online, click on the **Logout** button on the green navigation bar at the top of the screen.



ICLR ONLINE CASE LAW UPDATE EMAIL SERVICE

As an ICLR Online subscriber, you have the option to receive a weekly email alerting you to new cases made available via ICLR Online. By default, new subscribers are set to receive email alerts when the account is set up.

New cases are listed according to their subject matter and links are provided so that you can navigate straight to the cases from the email itself.



The screenshot shows the header of an email from ICLR Online. The header includes the ICLR logo, the title "Case Law Updates", and the date "13 July, 2012". Below the header is a table of case reports categorized by subject matter.

Case Reports	
Adoption	Arrangements for adoption - Placement order <i>Coventry City Council v O</i> , CA [2012] 3 WLR 208
Children	Children in need - Welfare services <i>R (A (A Child)) v Kent County Council</i> , CA [2012] PTSR 912
Conflict of laws	Sovereign immunity - Diplomatic immunity <i>Khurts Bat v Federal Court of Germany</i> , DC [2012] 3 WLR 180
Contempt of court	Breach of injunction - Freezing order <i>JSC BTA Bank v Ablyazov (No 7)</i> , CA [2012] 1 WLR 1988
Highway	Duty to maintain highway - Highway authority <i>Cusack v Harrow LBC</i> , CA [2012] PTSR 970
Human rights	Peaceful enjoyment of possessions - Deprivation of possessions <i>R (New London College Ltd) v Home Secretary</i> , CA [2012] PTSR D21
Human rights	Peaceful enjoyment of possessions - Discrimination on grounds of sex <i>Humphreys v Revenue and Customs Comrs, SC(E)</i> [2012] PTSR 1024
Local government	Homeless persons - Refusal of offer of accommodation <i>Bubb v Wandsworth LBC</i> , CA [2012] PTSR 1011
Mental disorder	Mental health tribunal - Application to <i>R (Modaresi) v Health Secretary</i> , CA [2012] PTSR 999
Planning	Development - Environmental impact assessment <i>R (Burridge) v Breckland District Council, QBD</i> [2012] PTSR D23

Signing up for ICLR Case Law Updates

If you are not currently signed up to receive ICLR's case law alerts, you can subscribe by following these instruction:

- Go to www.iclr.co.uk
- Click on the grey **Register | Login** button located at the top of the page.
- Click on the red **Register Now** button
- Complete Step 1 of the **New User Registration** form and click on the red **Continue** button

New User Registration

Step 2 of 2

Please enter your details (*are required fields):

Email Address *

I wish to receive emails about:

Email Alerts

Renewal Reminders

Special promotions

Forgotten password

Username *

Password *

Passwords should contain a mix of letters and numbers and be at least 7 characters long.

Repeat Password *

Passwords are case-sensitive.

Choose a security question and response:

Question *

Response *

[« Back to Step 1](#)

Submit

- Complete Step 2 of the **New User Registration** form, ensuring that the **Email Alerts** checkbox is ticked. Then click on the red **Submit** button.
- Upon completion of the process, you will be taken to your **My Account** area and will receive the weekly email alert.

- Note: If you would like to make sure that your ICLR Online email alerts arrive safely in your email inbox, please take a moment to add alerts@iclr.co.uk to your address book.

ICLR ONLINE INTERFACE AND NAVIGATION

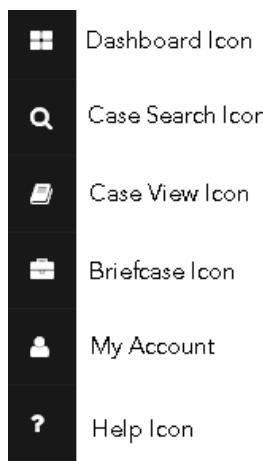
Navigating ICLR Online is straightforward and intuitive. Following successful completion of the login process, you will be taken to the ICLR Online welcome page. From here you can begin searching our archive of case law, which stretches back to 1865.

The screenshot displays the ICLR Online dashboard. At the top, there is a green header bar with the ICLR logo, the user's name 'Daniel Headley', and a 'Logout' button. Below the header is a navigation menu with icons for Home, Dashboard, Search, and Help. The main content area is divided into several sections:

- Search:** A form with three input fields: 'Case name(s)', 'Citation', and 'Free text'. A 'Submit Search' button is located below the form.
- Welcome to ICLR Online:** A large green box containing the text 'The New User Interface for ICLR Online' and 'ON TABLET - ON MOBILE - ONLINE'.
- Latest Case Summaries:** A section listing recent case summaries, such as 'Discrimination - Sex - Equal treatment' and 'Employment - Unfair dismissal - Constructive dismissal'.
- Latest Law Reports:** A section listing recent law reports, such as 'Discrimination - Sex - Equal treatment' and 'Employment - Unfair dismissal - Constructive dismissal'.
- Latest Case Notes:** A section listing recent case notes, such as 'Discrimination - Sex - Equal treatment' and 'Employment - Unfair dismissal - Constructive dismissal'.
- Information Box:** A box containing the text: 'This is the Dashboard, a new feature which lists the latest added content data-stamped for freshness. Other features include:
 - New unified case search form: find both cases reported by ICLR and...'

The Navigation Bar

The Navigation Bar is always displayed on the left side and allows you to move to the various functions and viewing modes that make up the ICLR Online workspace.



The Dashboard

When you log in to your ICLR Online Account you will be taken to the Dashboard. The Dashboard consists of a search form for quick case report retrieval and three updating feeds. The first feed lists recently added case summaries (WLR Dailies). The second feed lists recently added case reports. The third feed lists recently added Case Notes.

The Dashboard is accessed using the  on the Navigation Bar.

The screenshot shows the ICLR Online Dashboard. On the left is a 'Case search form' with fields for 'Case name(s)', 'Citation', and 'Free text'. An arrow points from the 'Free text' field to the 'Case search form' label. To the right are three feeds:

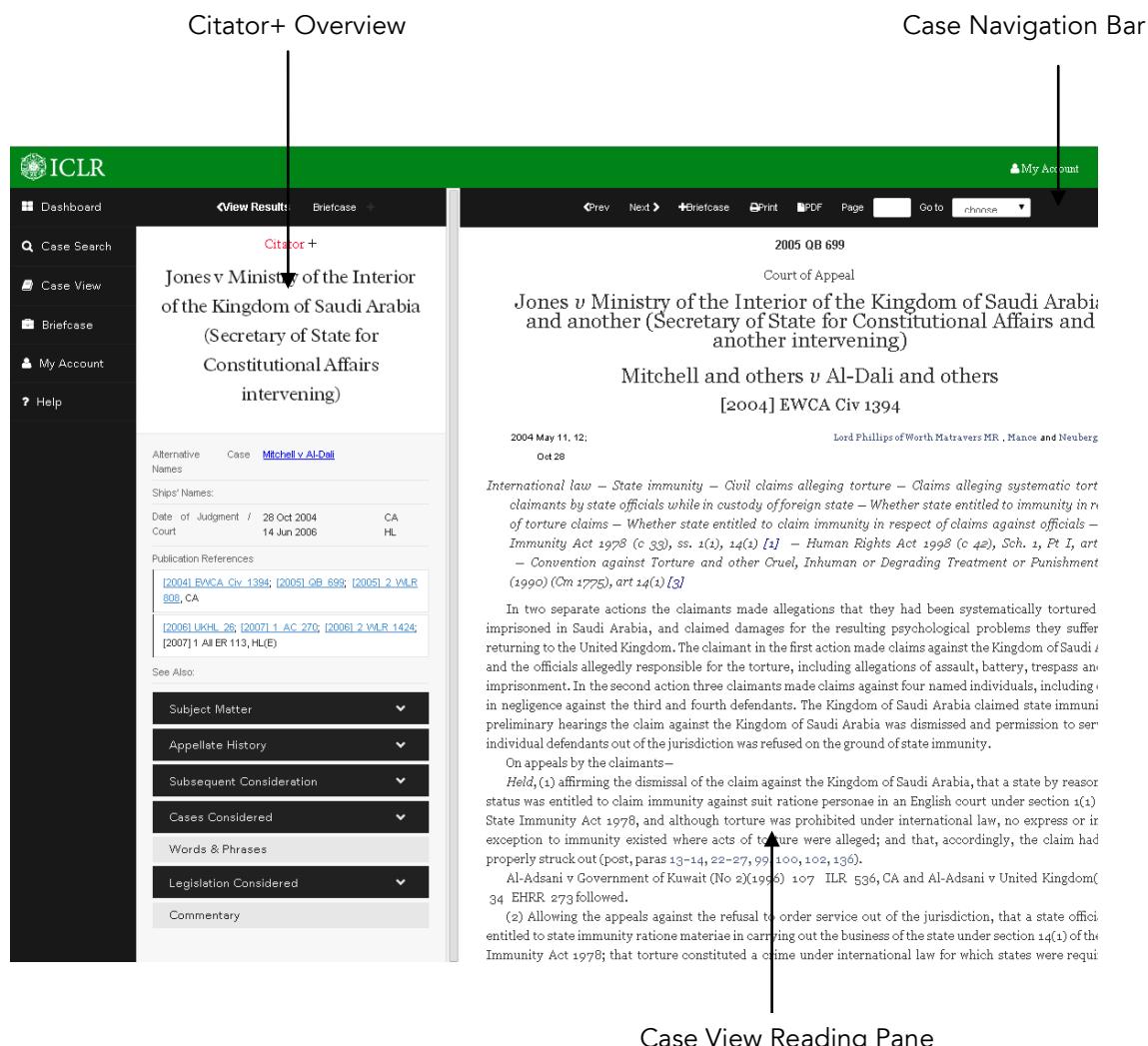
- Latest Case Summaries:** Lists recent case summaries, such as 'Discrimination - Sex - Equal treatment Betiu Montulli v INSS [2013] ICR 1323' and 'Employment - Unfair dismissal - Constructive dismissal Blackburn v Aldi Stores Ltd [2013] ICR D37'.
- Latest Law Reports:** Lists recent law reports, such as 'Discrimination - Sex - Equal treatment Betiu Montulli v INSS [2013] ICR 1323' and 'Employment - Unfair dismissal - Constructive dismissal Blackburn v Aldi Stores Ltd [2013] ICR D37'.
- Latest Case Notes:** Lists recent case notes, such as 'Discrimination - Sex - Equal treatment Betiu Montulli v INSS [2013] ICR 1323' and 'Employment - Unfair dismissal - Constructive dismissal Blackburn v Aldi Stores Ltd [2013] ICR D37'.

Arrows point from the labels below each feed to their respective sections on the dashboard.

Case View Display

The Case View Display screen consists of four components:

- The Case Navigation Bar – this toolbar allows you to scroll through matches to your search query, toggle to PDF view, print report and open your Briefcase
- The Case View Reading – this is the full text of the selected report is displayed as a continuous, interactive document.
- The Citator+ Overview – places vital index information side-by-side with the full text report.



CASE SEARCH

What is Case Search?

The **Case Search** function is a full text case report retrieval tool. There are two locations within ICLR Online from which a case search may be performed:

- From the search form on the Dashboard (note: this is the same as the default search form in Case Search)
- From Case Search

To use the **Case Search** function, click on the  icon, which is located on the left navigation bar

The Simple Search Form

Search ICLR Online

 [Dashboard](#) /  [Search](#)

 [Search](#)

Case name(s)
<input type="text"/>
Enter one or more words in the case name
Citation
<input type="text"/>
Enter a Neutral Citation or publication reference
Free text
<input type="text"/>
Enter words, or phrases in quotes, from a document

[Submit Search](#)

The Case Search function defaults to the Simple Search form, which comprises of three search fields:

- **Case Name(s)** searches full and partial cases names
- **Citation** searches for cases according to the specified citation entered
- **Free Text** searches for cases according to words or phrases entered into the field.

The Advanced Search Form

To open Advanced Search, click on the green Advanced Search bar. This will expand the Advanced Search form and collapse the simple form.

Search ICLR Online

The screenshot shows the ICLR Online search interface. At the top, there is a green banner with the text "Advanced Search". Below this, the main search area has a green header bar with the text "Search". Underneath, there is a section titled "Case name(s)" with a text input field and a placeholder "Enter one or more words in the case name". Below it is a "Citation" section with a text input field and a placeholder "Enter a Neutral Citation or publication reference". There is also a "Free text" section with a text input field and a placeholder "Enter words, or phrases in quotes, from a document". A "Catchwords" section follows, with a text input field and a placeholder "Enter subject matter keyword or phrases". On the left side, there are two date range fields: "Date range" (dd-mm-yyyy) with a placeholder "On or after this date" and "Date range" (dd-mm-yyyy) with a placeholder "On or before this date". To the right of these, there is a "Judge" section with a text input field and a placeholder "Enter judge name(s)", and a "Court" section with a dropdown menu and a placeholder "Select court". Finally, there is an "Other (specify)" section with a text input field and a placeholder "Enter court name or abbreviation".

The Advanced Search form consists of the same search fields as Simple Search (Case Name(s), Citation and Free Text) in addition to the following advanced search fields:

- **Catchwords** looks for words and phrases in the keywords or catchwords of the report as contained in the Subject Matter tab of the index card.
- **Date** looks for cases reported on or after a specified date or within a specified date range.
- **Judge** looks for cases according to the name of a specified judge.
- **Court** looks for cases according to the court selected from the drop-down menu or specified in the Other (specify) field.

To collapse Advanced Search form, click on the green Advanced Search banner. To expand the Simple Search form, click on the green Search banner.

Searching by Case Name(s)

To search by case name(s), simply enter all or part of a case name into the **Case Name(s)** search field and click **Submit Search**.

Case name(s)

Enter one or more words in the case name

Note: the Case Name(s) search field ignores the v symbol. Accordingly, **Donoghue v Stevenson** may simply be entered as **Donoghue Stevenson**.

Unless the name is a common one, it is not necessary to enter it in its entirety. For example, the term **Donoghue** will return **Donoghue v Stevenson** in the list of results alongside other documents matching that term.

The Case Name(s) field does not use implied truncation. For example, the term **Horn** will not return results for **Horne**, **Horner** or **Horncastle**. To enable term truncation, use the * symbol at the end of the search term, for example **Horn***.

Use the ? symbol for individual letters or foreign accents. For example, **Soci?t?** **Anonyme** for Société Anonyme.

Searching by Citation

The **Citation** field allows you to search for cases using a neutral citation (e.g. [2010] EWCA Civ 647) or a standard law report citation (e.g. [2010] 1 AC 373).

It is not necessary to include square brackets in the search string. Thus, [2010] EWCA Civ 647 may be entered as 2010 ewca civ 647.

Similarly, for neutral citations, it is not necessary to include the division identified as part of the search string. Thus [2011] EWHC 28 (Admin) may be entered as 2010 ewhc 28.

Searching by Free Text

The **Free Text field** Searches entire documents for words or phrases entered. All words or phrases entered in the Free Text field are automatically searched as though linked by the Boolean connector AND. For example, **snail bottle** will look for cases containing both words **snail** and **bottle**, wherever they appear in the document.

A number of Boolean connectors may be used to target your **Free Text** search.

Boolean Operators and Search Connectors

AND

Use the AND command to guide your search with more precision. When the AND operator is used, only documents that contain every word or phrase separated by AND in the search string will be retrieved from the **Case Search** database.

For example, **prohibition and torture** will only retrieve cases in which the words **prohibition** and **torture** appear.

OR

Use the OR command to locate allied terms and concepts. When the OR operator is used, documents that contain either or both of the terms specified in the search string will be retrieved from the **Case Search** database.

For example, **drug or narcotic** will return cases in which the word **drug** or the word **narcotic** appears, or case where both words appear.

NOT

Use the NOT command to exclude particular words or phrases from your search query. For example, **ginger not beer** will return cases in which the word **ginger** but not the word **beer** appears.

Double Quotation Marks

Double quotation marks can be used to guide your search query in reference to specified phrases. For example, "**public international law**" will return cases in which the words **public** and **international** and **law** appear together adjacently as a phrase.

Combining Operators

You can use operation in combination formulate more focused search queries. For example, "**public international law**" **not torture** will return cases that include the words **public** and **international** and **law** as a phrase, but will exclude results where the word **torture** also appears elsewhere in the document.

Searching by Catchwords

The **Catchwords** field looks for words and phrases in the keywords or catchwords of the report as contained in the Subject Matter tab of the index card. (This is a Boolean search, so phrases should be enclosed in double quotations and may be connected by the terms AND, OR, NOT)

Date of Judgment

Use the **Date of Judgment** fields to narrow your search to cases falling on or after the specified date or within a range of specified dates.

Enter dates in full using the dd-mm-yyyy format, or use the date picker by clicking on the  icon.

Judge

Use the **Judge** field to search for cases involving the specified judge. It is not necessary to enter the judge's full title. Accordingly, the term **Bean** is the same as **Bean J.**

Court

The **Court** field allows you to narrow your search to cases decided by the specified court or tribunal. Either select one of the courts from the drop-down list, or select **Other (specify)** and enter the name of the court in the **Other (specify)** search field.

CASE RESULTS

Case Results View

The Case Results is comprised of individual “hits” that match the terms entered in Case Search.

The information provided in each hit depends of how much information ICLR holds on the case in question. The following information, where available, will be presented in each hit:

- The name of the case, e.g. **Ministry of Justice, Republic of Lithuania v Bucnys**
- Any additional names associated with the case
- The date of judgment(s)
- A link to the Citator+ Overview for the case
- The Neutral Citation assigned to the case (which links to the transcript of the case on BAILII.org)
- The concertina of parallel references associated with the case. References highlighted in blue may be viewed in full-text on ICLR Online. Those in black type are not held in the ICLR Online database but are provided for referencing purposes
- The first three catchwords assigned to the case, e.g. **EXTRADITION – European arrest warrant – Validity**
- The Catchwords expand button – when expanded, the full list of catchwords are set out.
- The number of cases considering the case in question
- The number of cases considered by the case in question.

21 **Ministry of Justice, Republic of Lithuania v Bucnys**

Sakalis v Ministry of Justice, Republic of Lithuania

Lavrov v Minisry of Justice, Estonia

Sakalis v Ministry of Justice, Republic of Lithuania

Lavrov v Minisry of Justice, Estonia

12 Oct 2012 , [Citator+](#) [2012] EWHC 2771 (Admin) [\[2012\] WLR \(D\) 276](#); [2013] 1 All ER 1220, DC

(Antonov intervening) 20 Nov 2013 , [Citator+](#) [2013] UKSC 71 [\[2013\] 3 WLR 1485](#); [2013] WLR (D) 446, SC(E)

EXTRADITION – European arrest warrant – Validity

▼ Catchwords

EXTRADITION – European arrest warrant – Validity

▼ Catchwords

> 4 case(s) considered

Catchword Preview in Case Results View

The first three keywords (or catchwords) from the case report are displayed under each case name. To click on the **Catchwords** button.

Ministry of Justice, Republic of Lithuania v Bucnys

Sakals v Ministry of Justice, Republic of Lithuania

Lavrov v Ministry of Justice, Estonia

Sakals v Ministry of Justice, Republic of Lithuania

Lavrov v Ministry of Justice, Estonia

12 Oct 2012 , [Cigator+](#) [2012] EWHC 2771 (Admin) [2012] WLR (D) 276; [2013] 1 All ER 1220, DC

(Antonov intervening) 20 Nov 2013 , [Cigator+](#) [2013] UKSC 71 [2013] 3 WLR 1485; [2013] WLR (D) 446, SC(E)

EXTRADITION — European arrest warrant — Validity

[Catchwords](#)

Requirement for issue by "judicial authority" — Government ministries issuing warrants for arrest and extradition of absconding convicted persons — Ministries variously acting at request of court and of prison authority — Whether in each case ministry acting as "judicial authority" so as to validate issue of warrant — Requirement for Serious Organised Crime Agency to certify warrant as having been issued by judicial authority having "function of issuing arrest warrants" — Whether requirement referring to European arrest warrants or domestic arrest warrants — Extradition Act 2003, s 2(2)(f) — Council Framework Decision 2002/584/JHA, art 6

To collapse the catchwords display, click on the **Catchwords** button again.

Opening a Case from Case Results View

ICLR Online provides the following means of accessing the case from results view.

Opening the Citator+ Overview

To open the Citator+ Overview, click on the name of the case or on the [Citator+](#) link.

Opening the report

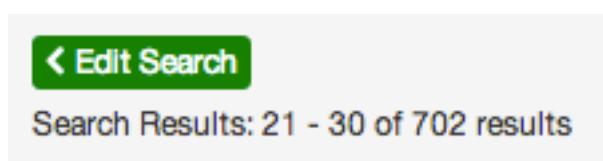
To open the report, click on the blue citation for the report you wish to read.

Linking to the BAILII transcript

To open the BAILII transcript (where a neutral citation has been assigned), click on the green neutral citation. The BAILII transcript will then open in a new browser window.

Editing your search

You can refine your search terms from the Case Results View by clicking on the **Edit Search** button located on the Case Results navigation bar situated above the results list.



Resorting the list of the results

The list of results can be sorted in the following ways:

- Most recent first

- Oldest first
- A-Z by Case Name
- Z-A by Case Name

Browse through multiple pages of results using the <Prev and Next> buttons.

CASE VIEW

When you select a case from results view, you will then be presented with the dynamic version of the selected report and/or the case's Citator+ Overview.

The diagram illustrates the Case View interface, which consists of three main elements:

- Citator+ Overview:** On the left, it shows a summary of the case, including Alternative Names (Prest v Prest), Case (Petrodel Resources Ltd v Prest), and publication references. It also includes a "See Also" section with dropdown menus for Subject Matter, Appellate History, Subsequent Consideration, Cases Considered, Words & Phrases, and Legislation Considered.
- Case Report Navigation Bar:** At the top right, it features navigation buttons for <Prev, Next>, +Briefcase, Print, PDF, Page (with a dropdown menu), Go to, and Catchwords. There is also a search bar labeled "Catchwords".
- Case Reading Pane:** On the right, it displays detailed case information. This includes the case title (Prest v Petrodel Resources Ltd and others), court details (Supreme Court, [2013] UKSC 34), and a summary of the judgment. It also lists the parties involved (Lord Neuberger of Abbotsbury PSC, Baroness Hale of Richmond, Lord Mance, Lord Clarke of Stone-cum-Ebony, Lord Wilson, Lord Sumption JJSC, Lord Walker of Gestingthorpe) and the date of judgment (2013 March 5, 6; June 12).

The Case View consists of three main elements:

- The Citator+ Overview
- The Case Report Navigation Bar
- The Case Reading Pane

Linking from Judge's Name to Judgment

Viewing a case report in dynamic view enables you to be able to link from a judge's name listed at the header of a report to the beginning of that judge's judgment in the report. Simply click on the judge's name, which appears as a blue hyperlink at the head of the report.

Footnote Preview and Linking

Some of the cases reported by ICLR include footnote references within the headnote, typically where legislation has been cited. Dynamic view allows you to quickly preview the contents of footnote reference and link to the text of a footnote at the end of the report.

- To preview a footnote, simply hover the cursor of your mouse over the blue footnote reference
- To link to a footnote, click on the blue footnote reference.

inted acts of torture would therefore be inappropriate [3].
e Kingdom [Human Rights Act 1998, Sch. 1, Pt I, art 6(1)].
first action "In the determination of his civil rights and
m the jurisdiction of any court established by law,
hearing within a reasonable time by an
independent and impartial tribunal
established by law."

it for state immunity in respect of a torture claim to
over other international rules of law so that the gr
of torture and had established a universal crimin

Linking to the Operative Paragraphs

Dynamic view enables you to move quickly to the operative paragraphs in a judgment. To move to an operative paragraph, click on the blue paragraph reference at the end of the headnote and the report will automatically scroll to the relevant paragraph.

d by or with the connivance of a public
disproportionate as inconsistent with article 6, assuming it to apply; and that, a
(post, paras [9](#), [10](#), [14](#), [15](#), [19](#), [24–28](#), [32](#),
[34](#) EHRR 273 followed.
endiary Magistrate, Ex p Pinochet Ug

impose the same strict legal requirements to it. Where these claims against the individual defendants to proceed and be upheld, the interests of the Kingdom would be obviously affected, even though it is not a named party.

[32](#) Both these errors, in my respectful opinion, sprang from what I think was a misreading of Pinochet (No 3) [2000] 1 AC 147. Despite Lord Phillips MR's change of mind in this case (para 128), the distinction between criminal proceedings (which were the subject of universal jurisdiction under the Torture Convention) and civil proceedings (which were not) was fundamental to that decision. This is not a distinction which can be wished away.

[33](#) Fourthly, the court appears to have ruled that the exercise of jurisdiction should be governed by "appropriate use or development of discretionary principles" (para 96; and see also para 135). This is to mistake

Linking to Other Cases Cited in the Case Report

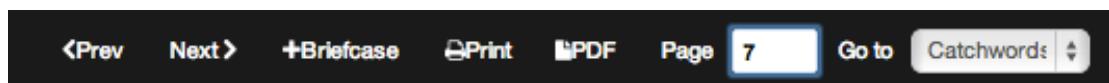
Where a case reported by ICLR is cited in any part of a report, the reference to that case is displayed as a blue hyperlink, enabling easy linking to that case report within ICLR Online. To navigate to a linked case, simply click on the blue link.

Navigating to Pages within a Case Report

The dynamic view allows you to quickly navigate to specific pages of interest within a case report. To navigate to a page, enter the page number in the **Page** field on the navigation bar located above the case report and click on the **Page** icon or press **Enter** on your keyboard.

Page 

The Case Report Navigation Bar



- <Prev – move to the previous matched search term
- Next> - move to first or next matched search term
- +Briefcase – add the case report to the Briefcase
- Print – print the current case report
- PDF – view the current case report as a court-ready PDF
- Page – move to a specific page within the report
- Go to – Navigate to Catchwords, Headnote, Facts, Judgment(s) and Orders

Toggling Header Display On and Off

The dynamic reader defaults to display each page break within the report to enable you know exactly where you are inside the report.

The facts are stated in the judgment of Lord Kerr of Tonaghmore JSC.
[2012] 1 AC
Tim Owen QC and Hugh Southey QC (instructed by Hickman & Rose) for the claimant in the first case.
Where an appeal against conviction is allowed on a reference by the Criminal Cases Review Commission, compensation may be payable under section 133 of the Criminal Justice Act 1988 if a new or newly discovered fact shows beyond reasonable doubt that there has been a miscarriage of justice. Compensation under the

<55>
Tim Owen QC and Hugh Southey QC (instructed by Hickman & Rose) for the claimant in the first case.
Where an appeal against conviction is allowed on a reference by the Criminal Cases Review Commission, compensation may be payable under section 133 of the Criminal Justice Act 1988 if a new or newly discovered fact shows beyond reasonable doubt that there has been a miscarriage of justice. Compensation under the

However, if you wish to disable header information, simply click once on any header within the report to toggle to continuous text mode. To restore header information click on the highlighted page number, e.g. <55>

VIEWING THE PDF VERSION OF A CASE REPORT

Toggle to PDF View



When viewing a case report in the default "Dynamic View", you have the option to toggle the view to display the PDF version of the case report (the typeset layout used for the printed publication). PDFs are available for all full text law reports available on ICLR Online.

The PDF will open in a new browser window.

LINKING TO CASES AVAILABLE ON THE BRITISH AND IRISH LEGAL INFORMATION INSTITUTE (BAILII) WEBSITE

In dynamic view, wherever a neutral citation appears in the text of a report, ICLR Online will automatically create a link from that reference to its counterpart transcript on BAILII (www.bailii.org). Linked neutral citations appear as green hyperlinks.

Click on the green hyperlink to view the corresponding transcript on BAILII.

The following cases are referred to in the judgment:

Adams v Cape Industries plc [1990] Ch 433; [1990] 2 WLR 657; [1991] 1 All ER 929; [1990] BCLC 479, CA
Algosaibi v Saad Investments Co Ltd 2010 CICA 1; 2011 (1) CILR 178, Cayman Islands Court of Appeal
Antonio Gramsci Shipping Corpn v Stepanovs [2011] EWHC 333 (Comm); [2011] Bus LR D117; [2012] 1 All ER (Comm) 293; [2011] 1 Lloyd's Rep 647; [2012] 1 BCLC 561; [2012] BCC 182
Bank of Tokio Ltd v Karoon [1987] AC 45; [1986] 3 WLR 414; [1986] 3 All ER 468, CA
Bellelli v Morici [2009] EWHC 2316 (Comm); [2010] Bus LR D49; [2010] 1 All ER (Comm) 412
Ben Hashem v Ali Shayif [2008] EWHC 2380 (Fam); [2009] 1 FLR 115
Cardile v LED Builders Pty Ltd [1999] HCA 18; (1999) 198 CLR 380
Creasey v Breachwood Motors Ltd [1993] BCLC 480
Dadourian Group International Inc v Azuri Ltd [2005] EWHC 1768 (Ch); [2006] WTLR 239
Garnet Investments Ltd v BNP Paribas (Suisse) SA [2009-10] GLR 1, Guernsey Court of Appeal
Gilford Motor Co Ltd v Horne [1933] Ch 935, CA
Jones v Lipman [1962] 1 WLR 832; [1962] 1 All ER 442
Kensington International Ltd v Republic of Congo [2005] EWHC 2684 (Comm); [2006] 2 BCLC 296
Lindsay v O'Loughnane [2010] EWHC 529 (QB); [2012] BCC 153

Neutral citation references are also deep linked to BAILII on the Index Card. Click on the blue hyperlink on the Citator+ Overview to view the corresponding transcript on BAILII.

Citator+

Prest v Prest

Alternative Names	Case	Petrodel Resources Ltd v Prest
Ships' Names:		
Date of Judgment / Court	26 Oct 2012 12 Jun 2013	CA SC(E)
Publication References		
[2012] EWCA Civ 1395; [2013] 2 AC 415; [2013] 2 WLR 557; [2013] 1 All ER 795; [2012] WLR (D) 296, CA		
[2013] UKSC 34; [2013] 2 AC 415; [2013] 3 WLR 1; [2013] WLR (D) 237, SC(E)		

CITATOR+

What is Citator+?

The **Citator+** database indexes and stores information about all cases published by leading English case report series, including but not limited to those cases published by the ICLR. **Citator+** displays this information in the form of **Citator+ Overviews**.

What are Citator+ Overviews?

Citator+ Overviews are unique to **ICLR Online**. They display in one place all the indexed information about a particular case, including:

- Any alternative names under which the case may be known
- Any ships' names involved in the case
- Dates of all judgment(s) given in the course of the litigation if reported by ICLR
- Names of judges and/or courts
- Publication references for ICLR series and other leading case reports of the judgments given in the case at each hearing level
- Subject matter catchwords
- Appellate history of the case, showing the effect of any appeal(s) on earlier hearings (eg affirmed, reversed etc) in the same litigation
- Subsequent judicial consideration of the case, showing the effect of later decisions on the status of any judgments given in the case at each hearing level
- Key cases judicially considered in the judgment(s) given in the case
- Any Case Comments contributed by practitioners on the case
- Any words or phrases taken from a statute or other document in the context of which they have been judicially considered in the case.
- Any statutory or other legislative provisions which have been construed in the case

The information is displayed in tabbed sections of the **Index Card**, which can be opened (+) or closed (-) by clicking on the section tab.

Note: Index Cards can also be saved using the Briefcase function (see THE BRIEFCASE section below).

The Citator+ Overview Tabs

Subject Matter

HUSBAND AND WIFE — Financial relief — Transfer of property — Properties held by companies controlled by husband — Wife alleging that properties belonging beneficially to husband — Husband and companies failing to comply with orders for disclosure — Husband ordered to transfer properties to wife or to cause them to be so transferred — Whether property to which husband "entitled" — Whether conditions for piercing companies' corporate veils established — Whether court entitled to draw adverse inferences as to beneficial ownership of properties — Whether jurisdiction to order husband to transfer properties held by companies to wife — Matrimonial Causes Act 1973, s 24(1)(a)

CA [2013] 2 AC 415; [2013] 2 WLR 557; SC(E) [2013] 2 AC 415; [2013] 3 WLR 1

The **Subject Matter** tab provides a succinct exposition of the key issues of law raised in the case report taken from the catchwords in the report.

Appellate History

✗ Prest v Prest [2011] EWHC 2956 (Fam)
Decision of Moylan J reversed.
Prest v Prest [2013] 2 WLR 557, CA

✗ Prest v Prest [2013] 2 WLR 557; [2013] 1 All ER 795, CA
Decision of the Court of Appeal reversed in part.
Prest v Prest [2013] 2 AC 415; [2013] 3 WLR 1, SC(E)

The **Appellate History** tab gives you a clear, colour-coded breakdown of a case's journey through the courts.

Subsequent Consideration

Prest v Prest [2013] 3 WLR 1, SC(E)

✓ Applied in Bilta (UK) Ltd v Nazir (No 2) [2014] Ch 52; [2013] 3 WLR 1167, CA

○ Considered in Antonio Gramsci Shipping Corp v Recoletos Ltd [2013] 2 All ER (Comm) 781, CA

The **Subsequent Consideration** provides a summary of how the case you are reviewing has been treated by subsequent cases, giving you a clear indication of the case's status as authority.

Each entry is colour-coded and follows ICLR's own detailed and editorially constructed judicial treatment schema. See the ICLR JUDICIAL TREATMENT TYPES section below.

Cases Considered	
Cases Considered in:	
Prest v Prest [2013] 2 AC 415; [2013] 3 WLR 1, SC(E)	
<input checked="" type="checkbox"/>	Ben Hashem v Al Shayif [2009] 1 FLR 115 Dictum of Munby J, para 164, approved
<input type="radio"/>	British Railways Board v Herrington [1972] AC 877; [1972] 2 WLR 537 ; [1972] 1 All ER 749, HL(E) Considered
<input type="radio"/>	Gencor ACP Ltd v Dalby [2000] 2 BCLC 734 Considered
<input type="radio"/>	Trustor AB v Smallbone (No 2) [2001] 1 WLR 1177; [2001] 3 All ER 987 Considered

The **Cases Considered** tab summarises the cases which the case you are reviewing actively considered and indicates that case's status in law in a convenient colour-coded form.

Words & Phrases	
"Entitled" — Matrimonial Causes Act 1973, s 24(1)(a)	

The **Words & Phrases** tab highlight legal words and phrases construed in the case you are reviewing.

Legislation Considered	
Statutes	
	Matrimonial Causes Act 1973 (c 18), s 24(1)(a)

The **Legislation Considered** tab sets out key legislative provisions construed in the case you are reviewing.

THE BRIEFCASE

The Briefcase feature allows you to store and retrieve case reports and index cards and to organise them into user-designated “bundles”. To use this feature, click on **Briefcase** button on the side navigation bar.

Creating Bundles

- To create a new **bundle** in your **Briefcase**, enter the name of the new bundle in the text field located at the top of the **Briefcase** display area
- Then click on the **Create Bundle** button.
- Your new **bundle** will then appear in the **My Bundles** list
-

A screenshot of a software interface titled "My Bundles". At the top, there is a dark header bar with the title. Below it, a light grey search bar contains the text "Judicial Review". To the right of the search bar is a green "Create" button. The main area is currently empty, showing a plain white background.

Note: The **Briefcase** area lists twelve **Bundles** per page. To navigate through your bundles, click on the **Next** button located on the light grey bar above the **My Bundles** display area.

Adding Case Reports and Index Cards to a Bundle

- To add a Case Report or Index Card to a **bundle** in your **Briefcase** area, click on the **Briefcase** icon located above the Case Report/Citator+ Overview you wish to store.
- The **Briefcase** display area will open. If you have opened a **bundle** during the current research session, that **bundle** will be displayed.
- To add the selected Case Report/Index to an open **bundle**, click on the **Add Case Report/Add Index Card** button located on the light grey bar above the bundle display area.

A screenshot of a software interface titled "International Law" with "Back to Briefcase" and "Add Index Card" buttons. The main area displays a list of legal cases with their names and some icons to the right. At the bottom, there are navigation buttons for ""><< < Next 1 > >>".

Case Name	Actions
ADAMS v. ADAMS (ATTORNEY-GENERAL INTERVENING)	icons
BANK MELLAT v. HELLINIKI TECHNIKI S.A.	icons
Jones v Ministry of the Interior of the Kingdom of Saudi Arabia and another (Secretary of State for Constitutional Affairs and others intervening)	icons
HEDLEY BYRNE & CO. LTD. v. HELLER & PARTNERS LTD.	icons

- To add the selected Case Report/Index Card to a different **bundle**, click on the **Back to Briefcase** button and then select the bundle you wish to store the selected content in. The click on the **Add Case Report/Add Index Card** button.

Retrieving Case Reports and Citator+ from a Bundle

Case Reports and Index Cards stored in a **bundle** can be opened in dynamic or PDF view, opened, printed or saved to disk, using the icons located to the right of the content stored in the selected bundle.

Index cards stored in a bundle will, when retrieved, be displayed in their current, most up to date form.

ICLR JUDICIAL TREATMENT TYPES

Followed

The court is expressing itself as bound by a previous decision of a court of coordinate or superior jurisdiction in a case where the material facts were the same or substantially the same.

Approved

The court approves a previous decision of a court of inferior jurisdiction, or dicta of a judge in a court of coordinate or inferior jurisdiction, in unrelated proceedings.

Applied

The court is applying the principle of or dicta in a previous decision to the case before it the facts of which are materially different from those of the earlier case.

Considered

The court considers a previous decision but does not actually follow, apply, distinguish it etc.

Explained

The court interprets a previous decision and states what it means.

Distinguished

The court decides that it need not follow a previous case by which it would otherwise be bound because there is some salient difference, e.g. of a fact or the terms of a document, between the previous case and the one before it.

Doubted

The court is doubtful as to the correctness of a previous decision, without going so far as disagreeing with it.

Not applied

The court chooses not to apply a previous decision or dicta in a previous decision; this may be because the earlier decision is only of persuasive authority (e.g. Privy Council or another common law jurisdiction).

Not followed

The court has declined to follow a decision of a court of coordinate jurisdiction in a case where the facts were the same or substantially the same.

Disapproved

The court disagrees with a previous decision but either it is not necessary for the purpose of the case before it to overrule the previous decision or, both courts being of coordinate jurisdiction, there is no power to overrule the previous decision.

Overruled

The court decides that a previous decision of a court of inferior jurisdiction in unrelated proceedings is wrong.

Departed from

The Supreme Court has decided not to follow its own previous decision.

GLOSSARY

Briefcase: A tool which allows the user to store and retrieve cases needed for future reference by creating bundles and saving documents into them.

Bundle: a folder, created within the briefcase, containing links to case reports or index cards.

Case Report: the published report of a judgment, including a headnote, keywords, lists of cases cited, a note of the appearances and a summary of the procedural history and background facts.

Catchwords: see Keywords.

Citation: a generic term for case references using either case numbers or publication references.

Digest: a summary report of a judgment, indicated by a D before the page number in the publication reference.

Dynamic view: the display of the case report as a continuous document with internal and external hyperlinks, as opposed to PDF page display.

EU case number: a case number set by the Court of Justice of the European Union which uniquely identifies either the judgment of the General Court (EGC) (formerly Court of First Instance or CFI) or the judgment and the opinion of the Advocate General in the Court of Justice (ECJ), eg. Case C-441/07.

Index Card: document generated from the index database containing the most complete and up to date information about a case at all hearing levels and its relationship to other cases and legislation.

Keywords (also known as catchwords): a series of words and phrases used to locate a case report in a hierarchical or tree-structured taxonomy of subject matters. The words appear at the top of the case report and are replicated under the **Subject Matter** tab of the relevant index card.

Neutral Citation: a case number set by the court when issuing judgment which uniquely identifies that particular judgment, eg. [2011] EWHC 2339 (Comm).

Party name: one of the names used in a case report.

PDF: portable document format. Shows a printed document in its typeset format regardless of the software used to display it. (NB: If PDF case reports do not display within the case report frame (the right hand frame) in ICLR online, as intended, this may require some adjustment of the browser settings.)

Publication reference: the reference used to identify a case report published in a series of law reports (as opposed to a case number or neutral citation), eg. [1978] QB 500.

COVERAGE AND CITATIONS

The following table lists the various series of reports issued by ICLR since 1865 and modes of citation used for them.

The Law Reports: First series (1865 – 1875)

LR # A & E	Admiralty and Ecclesiastical Cases
LR # CCR	Crown Cases Reserved
LR # CP	Common Pleas Cases
LR # Ch App	Chancery Appeal Cases
LR # HL	House of Lords, English and Irish Appeals
LR # Eq	Equity Cases
LR # Ex	Exchequer Cases
LR # PC	Privy Council Appeals
LR # P & D	Probate and Divorce Cases
LR # QB	Queen's Bench Cases
LR # Sc & Div	House of Lords, Scotch and Divorce Appeals

The Law Reports: Second series (1875 – 1890)

# App Cas	Appeal Cases
# Ch D	Chancery Division
# CPD	Common Pleas Division (1875–80)
# Ex D	Exchequer Division (1875–80)
# PD	Probate, <i>Divorce and Admiralty</i> Division
# QBD	Queen's Bench Division

Note: the letters LR are not used in these citations.

The Law Reports: Third series (1890 to present day)

AC	Appeal Cases
Ch	Chancery Division
Fam	Family Division (from 1972)
P	Probate, Divorce and Admiralty Division (1891–1971)
QB (<i>or</i> KB)	Queen's (or King's) Bench Division

Note: The first and second series may appear with a year (of judgment) in round brackets: this is not part of the official citation and should not be entered into a citation search field. For the third series, the year in square brackets forms part of the citation and should be entered into the search, and there may or may not be a volume number.

Other series:

WLR	Weekly Law Reports
WLR (D)	WLR Daily Case Summaries
ICR	Industrial Cases Reports
ICR D	ICR Digests
Bus LR	Business Law Reports
Bus LR D	Business Law Reports Digests
PTSR	Public and Third Sector Law Reports
PTSR CS or D	Public and Third Sector Law Reports Case Summaries or Digests

Note: All above series use square brackets as part of the citation; WLR always uses volume numbers, ICR may do for some years.

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